

Fill in this information to identify the case:

United States Bankruptcy Court for the:

Northern

District of

West Virginia

(State)

Case number (if known): _____ Chapter 11☐ Check if this is an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

04/16

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name Emerald Grande, LLC

2. All other names debtor used in the last 8 years _____
 Include any assumed names, trade names, and *doing business* as names _____

3. Debtor's federal Employer Identification Number (EIN) 26 - 3417985

4. Debtor's address	Principal place of business	Mailing address, if different from principal place of business
	<u>205 Marion Square</u>	_____
	Number Street	Number Street
	_____	_____
	<u>P.O. Box 190</u>	_____
	P.O. Box	P.O. Box
	<u>Fairmont WV 26651</u>	<u>Bonita Springs FL</u>
	City State ZIP Code	City State ZIP Code
	<u>MARION</u>	Location of principal assets, if different from principal place of business
	County	<u>106 Merchants Walk Shopping Center</u>
		Number Street

		<u>Summersville WV 26651</u>
		City State ZIP Code

5. Debtor's website (URL) _____

6. Type of debtor
☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))
☐ Partnership (excluding LLP)
☐ Other. Specify: _____

Debtor

Emerald Grande, LLC
Name

Case number (if known)

7. Describe debtor's business**A. Check one:**

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Railroad (as defined in 11 U.S.C. § 101(44))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
- ☒ None of the above

B. Check all that apply:

- ☐ Tax-exempt entity (as described in 26 U.S.C. § 501)
- ☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)
- ☐ Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor. See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

7 2 1 3**8. Under which chapter of the Bankruptcy Code is the debtor filing?****Check one:**

- ☐ Chapter 7
- ☐ Chapter 9

☒ Chapter 11. **Check all that apply:**

- ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,566,050 (amount subject to adjustment on 4/01/19 and every 3 years after that).
- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- ☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- ☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12**9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?**☒ No

☐ Yes. District _____ When _____ Case number _____
MM / DD / YYYY

District _____ When _____ Case number _____
MM / DD / YYYY

If more than 2 cases, attach a separate list.

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?☒ No

☐ Yes. Debtor _____ Relationship _____

District _____ When _____
MM / DD / YYYY

Case number, if known _____

List all cases. If more than 1, attach a separate list.

Debtor

Emerald Grande, LLC

Name

Case number (if known)

11. Why is the case filed in this district?

Check all that apply:

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

- ☐ No
- ☒ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (Check all that apply.)

- ☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.
What is the hazard? _____
- ☐ It needs to be physically secured or protected from the weather.
- ☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).
- ☒ Other The bridge access to the hotel in Elkview, WV was destroyed in June 2016.

Where is the property? 101 Crossing Shopping Mall

Number Street

Elkview
CityWV
State25071
ZIP Code**Is the property insured?**

- ☐ No
- ☒ Yes. Insurance agency Bankers Insurance / Zurich

Contact name Robert B. JonesPhone (434) 793-8322**Statistical and administrative information****13. Debtor's estimation of available funds**

Check one:

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available for distribution to unsecured creditors.

14. Estimated number of creditors

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> 1-49 | <input type="checkbox"/> 1,000-5,000 | <input type="checkbox"/> 25,001-50,000 |
| <input type="checkbox"/> 50-99 | <input type="checkbox"/> 5,001-10,000 | <input type="checkbox"/> 50,001-100,000 |
| <input type="checkbox"/> 100-199 | <input type="checkbox"/> 10,001-25,000 | <input type="checkbox"/> More than 100,000 |
| <input type="checkbox"/> 200-999 | | |

15. Estimated assets

- | | | |
|--|---|--|
| <input type="checkbox"/> \$0-\$50,000 | <input type="checkbox"/> \$1,000,001-\$10 million | <input type="checkbox"/> \$500,000,001-\$1 billion |
| <input type="checkbox"/> \$50,001-\$100,000 | <input checked="" type="checkbox"/> \$10,000,001-\$50 million | <input type="checkbox"/> \$1,000,000,001-\$10 billion |
| <input type="checkbox"/> \$100,001-\$500,000 | <input type="checkbox"/> \$50,000,001-\$100 million | <input type="checkbox"/> \$10,000,000,001-\$50 billion |
| <input type="checkbox"/> \$500,001-\$1 million | <input type="checkbox"/> \$100,000,001-\$500 million | <input type="checkbox"/> More than \$50 billion |

Debtor Emerald Grande, LLC
Name

Case number (if known) _____

16. Estimated liabilities

- | | | |
|--|---|--|
| <input type="checkbox"/> \$0-\$50,000 | <input type="checkbox"/> \$1,000,001-\$10 million | <input type="checkbox"/> \$500,000,001-\$1 billion |
| <input type="checkbox"/> \$50,001-\$100,000 | <input checked="" type="checkbox"/> \$10,000,001-\$50 million | <input type="checkbox"/> \$1,000,000,001-\$10 billion |
| <input type="checkbox"/> \$100,001-\$500,000 | <input type="checkbox"/> \$50,000,001-\$100 million | <input type="checkbox"/> \$10,000,000,001-\$50 billion |
| <input type="checkbox"/> \$500,001-\$1 million | <input type="checkbox"/> \$100,000,001-\$500 million | <input type="checkbox"/> More than \$50 billion |

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

17. Declaration and signature of authorized representative of debtor

- ☒ The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.
- ☒ I have been authorized to file this petition on behalf of the debtor.
- ☒ I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 01/10/2017
MM / DD / YYYY

[Signature]
Signature of authorized representative of debtor

William A. Abruzzino
Printed name

Title Managing Member

18. Signature of attorney

[Signature]
Signature of attorney for debtor

Date 01/11/2017
MM / DD / YYYY

Steven L. Thomas

Printed name

Kay Casto & Chaney PLLC

Firm name

P. O. Box 2031

Number Street

Charleston

City

WV

State

25327-2031

ZIP Code

(304) 345-8900

Contact phone

sthomas@kaycasto.com

Email address

3738

Bar number

WV

State

UNITED STATES BANKRUPTCY COURT
Southern District of West Virginia

In re: **Emerald Grande**

Debtors

Case No. _____

Chapter 11

VERIFICATION OF CREDITOR MATRIX

The above named debtor(s), or debtor's attorney if applicable, do hereby certify under penalty of perjury that the attached Master Mailing List of creditors is complete, correct and consistent with the debtor's schedules pursuant to Local Bankruptcy Rules and I/we assume all responsibility for errors and omissions.

Dated: 1-10-17

✓ Signed: William G. Phipps

Dated: _____

Signed: _____

American Hotel Register Company
100 S. Milwaukee Avenue
Vernon Hills, IL 60694-1299

Carter Bank & Trust
305 S. Main Street
Reidsville, NC

Christopherson Andavo Travel
5588 S. Green Street, Suite 300
Salt Lake City, UT 84123

Carrier Enterprise
2300 Westmoreland Street
Richmond, VA 23230

Guestsupply
P.O. Box 910
Monmouth Junction, NJ 08852-0910

In the Swim
320 Industrial Drive
West Chicago, IL 60185

Image 2
800 North Side Drive, Suite 27
Summersville, WV 26651

JP Mechanical, Inc.
103 ½ McKinney Ave.
Dunbar, WV 25064

LA Quinta Inn & Suites
P.O. Box 841946
Dallas, TX 75284-1946

May Contracting, Inc.
12354 Virginia Blvd.
Ashland, KY 41102

NetTRans
P.O. Box 529 311
Tonsberg, Norway

Sheriff of Nicholas County
P.O. Box 525
Summersville, WV 26551

Super Laundry
35 Corporate Drive
Suite 220
Burlington, MA 01803

Supreme Hospitality Supply
3430 Browns Mill Road
Atlanta, GA 30354

Standard Textile
P.O. Box 63002
Cincinnati, OH 45263-0302

US Food
P.O. Box 644540
IL Egg Inspection Fee PD
Pittsburgh, PA 15264-4540

Williams Scotsman
901 S. Bond Street
Suite 600
Baltimore, MD 21231

West Virginia Division of Labor
749-B Building 6, Capitol Complex
Charleston, WV 25305

WV State Tax Department
P.O. Box 11013
Charleston, WV 25339

Kanawha County Sheriff
409 Virginia Street E.
Charleston, WV 25301

Kanawha Valley Advertising Company
P.O. Box 627
Poca, WV 25159

LaQuinta Inn-Franchising
P.O. Box 612587
Dallas, TX 75261-2587

Supreme Hospitality Supply, LLC
3430 Browns Mill Road
Atlanta, GA 30354

Tyco Simplex Grinnell
108 Craddock Way
Poca, WV 25159-7606

WV State Tax Department
1124 Smith Street
Charleston, WV 25301

Bulk TV & Internet
P.O. Box 99129
Raleigh, NC 27624

ECOLAB
P.O. Box 32027
New York, NY 1008-2027

Elk Valley Public Service District
P.O. Box 7175
Charleston, WV 25356

Frontier Communications
P.O. Box 20660
Rochester, NY 14602-0550

Mountaineer Gas Company
P.O. Box 5656
Charleston, WV 25361-0656

Waste Management of WV
P.O. Box 13648
Philadelphia, PA 19101-3648

West Virginia American Water
P.O. Box 371880
Pittsburgh, PA 15250-7880

Appalachian Power Company
P.O. Box 24413
Canton, OH 44701-4413

First Bank of Charleston
201 Pennsylvania Avenue
Charleston, WV 25302

Christiana Trust
101 Convention Center Dr. #838
Las Vegas, NV 89109

AT&T
P.O. Box 5094
Carol Stream, IL 60197-5094

Velocity
P.O. Box 1179
Holland, OH 43528

United States Bankruptcy Court
Northern District of West Virginia

In re **Emerald Grande, LLC**

Case No.

Debtor.

Chapter **11**

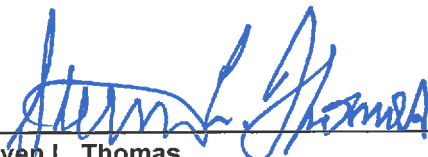
STATEMENT OF CORPORATE OWNERSHIP

Comes now **Emerald Grande, LLC** (the "Debtor") and pursuant to Fed. R. Bankr. P. 1007(a) and 7007.1 state as follows:

 All corporations that directly or indirectly own 10% or more of any class of the corporation's equity interests are listed below:

OR,

 X There are no entities to report.

By: 
Steven L. Thomas
Signature of Attorney

Counsel for
Bar no.: **3738**
Address.: **P. O. Box 2031**
Charleston, West Virginia 25327-2031

Telephone No.: **(304) 345-8900**
Fax No.: **(304) 345-8909**
E-mail address: **sthomas@kaycasto.com**

UNITED STATES BANKRUPTCY COURT
Northern District of West Virginia

In re:

Emerald Grande, LLC

Case No. BKY

Debtor(s)

Chapter 11 Case

STATEMENT REGARDING AUTHORITY TO SIGN AND FILE PETITION

I, William A. Abruzzino, declare under penalty of perjury that I am the Manager of Emerald Grande, LLC, and that the following is a true and correct copy of the resolutions adopted by the Company at a special meeting duly called and held on January 10, 2017;

"Whereas, it is in the best interest of his corporation to file a voluntary petition in the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;

Be It Therefore Resolved, that William a. Abruzzino, Manager of this Company, is authorized and directed to appear in all bankruptcy proceedings on behalf of the corporation, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the corporation in connection with such bankruptcy case; and

Be It Further Resolved, that William A. Abruzzino, Manager of this Company, is authorized and directed to employ Steven L. Thomas, attorney and the law firm of Kay Casto & Chaney PLLC to represent the Company in such bankruptcy case."

Date:

1-11-17

Signed:

William A. Abruzzino
William A. Abruzzino

RESOLUTION OF THE SOLE MEMBER OF EMERALD GRANDE, LLC

WHEREAS, on January 10, 2017, the sole member of Emerald Grande, LLC (the "Company"), acting on behalf of the Company considered the Company's current financial situation, particularly the notice of foreclosure issued by Carter Bank & Trust with respect to the Company's hotel properties;

WHEREAS, in accordance with the requirements of applicable law upon consideration of this resolution, the sole member has further considered the financial and operational condition of the Company, including its assets and liabilities, its operational performance, and its prospects for reorganization;

NOW THEREFORE, BE IT

RESOLVED that, in the judgment of the sole member, it is desirable and in the best interests of the Company, while considering its creditors, interested parties and continued efforts to carry on its business, to file a petition ("Petition") for relief under Chapter 11 of Title 11 of the United States Code (the "Bankruptcy Code") in the United States Bankruptcy Court for the Northern District of West Virginia ("Bankruptcy Court"); and it is further

RESOLVED that the filing of the Petition is hereby approved as of this 9th day of January, 2017; and it is further

RESOLVED that William A. Abruzzino, the Manager of Gold Coast Partners, LLC, acting as the sole member of the Company, and as the Manager of Emerald Grande (the "Authorized Officer"), is hereby authorized to execute, verify and file the Petition on behalf of the Company and is hereby appointed as the authorized signatory with authority to take any such other actions as is necessary or appropriate to effectuate the Company's bankruptcy filing; and it is further

RESOLVED that the Authorized Officer be, and hereby is, authorized, directed and empowered, on behalf of and in the name of the Company, to execute, verify and/or file, or cause to be filed and/or executed or verified all necessary documents, including, without limitation, all petitions, affidavits, schedules, motions, lists, applications, pleadings and other papers; and it is further

RESOLVED that the Authorized Officer be, and hereby is, authorized to employ and retain legal counsel, accountants, or other professionals to assist in the Company's efforts in Chapter 11, and to take any and all action that he deems necessary, proper, or desirable in connection with the Chapter 11 case, including, but not limited to, (I) all actions necessary, proper, or desirable to obtain debtor-in-possession financing from one

or more lenders, including, without limitation, the granting of super-priority administrative and secured claims and the execution of loan agreements and ancillary documents, (ii) all actions necessary, proper, or desirable to explore and effectuate sale options for the company and/or its assets, which could include the filing of a motion to sell the organization's assets, a motion for approval of bidding procedures and the approval and filing of other related documents, affidavits, motions, pleadings or papers, (iii) all actions necessary, proper or desirable to address labor, pension and other benefit plan issues and liabilities; and (iv) all actions necessary, proper or desirable to negotiate the terms of a plan of reorganization for the Company; and it is further

RESOLVED that the law firm of Kay Casto & Chaney, PLLC (the "Law Firm"), is employed as local and general bankruptcy counsel for the Company subject to Bankruptcy Court approval; and in connection therewith, the Authorized Officer is hereby authorized and directed to execute appropriate retention agreements, pay appropriate retainers prior to and immediately upon the filing of the bankruptcy case, and to cause to be filed the appropriate applications for authority to retain the legal services of the Law Firm; and it is further

RESOLVED that the Authorized Officer be, and hereby is, authorized and directed to employ any other individual and/or firm as professionals or consultants or financial advisors of the Company as are deemed to be necessary to represent and assist the organization in carrying out its duties under Title 11 of the Bankruptcy Code, and in connection therewith, the Authorized Officer is hereby authorized and directed to execute appropriate retention agreements, pay appropriate retainers, if required, prior to and immediately upon the filing of the bankruptcy case, and to cause to be filed an appropriate application for authority to retain the services of such firms or individuals, and it is further

RESOLVED that the Authorized Officer be, and hereby is, authorized, directed and empowered, in the name and on behalf of the Company, to pay and direct the payment of all court-approved fees and expenses incurred in connection with the Company's Chapter 11 case; and it is further

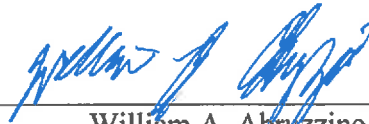
RESOLVED that to the extent authorized by the sole member, the Authorized Officer is authorized, directed and empowered from time to time in the name and on behalf of the Company to (a) take such further actions and execute and deliver such certificates, instruments, guaranties, notices and documents as may be required or as such officer may deem to be necessary, advisable or proper to carry out the intent and purpose of the foregoing resolutions, including the execution and delivery of any security agreements, pledges, financing statements and the like, and (b) perform the obligations of the Company under the Bankruptcy Code, with all such actions to be performed in such

manner, and all such certificates, instruments, guaranties, notices and documents to be executed and delivered in such form, as the officer performing or executing the same shall approve, and the performance or execution thereof by such officer shall be conclusive evidence of the approval thereof by such officer and by the Company; and it is further

RESOLVED that, upon execution of this written consent, it shall be deemed adopted and in full force and effect as of the date hereof; and it is further

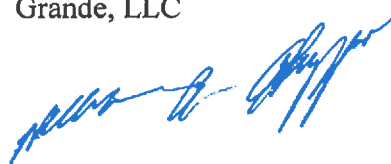
RESOLVED that all of the acts and transactions relating to matters contemplated by the foregoing resolutions of management and the sole member, in the name and on behalf of the Company, which acts would have been approved by the foregoing resolutions except that such actions were taken prior to the execution of these resolutions, are hereby in all respects confirmed, approved and ratified.

By signing below, the sole member acknowledges that the foregoing Resolutions are approved on and as of this 10th day of January, 2017.



William A. Abruzzino,
Manager of Gold Coast Partners,
LLC

The sole Member of Emerald
Grande, LLC



William A. Abruzzino,
Manager of Emerald Grande, LLC